

REMARKS

In the Office Action, dated September 14, 2001, the Examiner states that Claims 1-21 are pending, Claims 1-5 and 21 are rejected, and Claims 6-20 are objected to. By the present Amendment, Applicant amends the claims.

In the Office Action, the Patent Office objects that the application does not contain a specific reference to the prior applications from which priority is claimed, as required by 37 C.F.R. §1.78. The Applicant draws the Examiner's attention to §1.78 which states that reference to the priority application(s) does not need to be included in the specification if reference is made in an application data sheet under §1.76. The combined declaration and power of attorney submitted when the application was filed fulfills all the requirements of an application data sheet and does refer to the prior applications from which priority is claimed. If the combined declaration and power of attorney is missing from the application papers, the Applicant will furnish a copy of the original.

In the Office Action, the Patent Office objects to Claims 6-20 as being in improper multiple dependent form. The Applicant has amended the claims to be in proper multiple dependent form.

The Patent Office objects to Claim 21, as being indefinite under 35 U.S.C. §112. Claim 21 is an omnibus claim and has been cancelled.

The Patent Office rejects Claims 1 and 5 as being anticipated under 35 U.S.C. §102 by Kobayashi. Claims 2-4 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kobayashi.

The Applicant has amended Claim 1 to overcome these rejections. Claim 1 (and therefore dependent Claims 2-5) as amended is distinguished from Kobayashi in that Kobayashi discloses air cushions which support only localized areas. Compared to the present invention, Kobayashi is complex. The present invention supports the entire part of the person's body which is adjacent the chair's seat and backrest, and furthermore employs a simple static system that does not require the use of pumps, lines, switches, etc.

The chair of the present invention provides support and pressure relief for users of all body-shapes and sizes so that the full body surface in contact with the chair is provided with support, not only at localized areas. The intended main application of the invention is for use by geriatric or bed-ridden persons. The chair helps to eliminate pressure sores that can develop in these persons because of their incapacity and lack of movement.

It is submitted that the question under 35 U.S.C. §103(a) is whether the totality of the art would collectively suggest the claimed invention to one of ordinary skill in this art. *In re Simon*, 461 F.2d 1387, 174 USPQ 114 (CCPA 1972).

That elements, even distinguishing elements, are disclosed in the art is alone insufficient. It is common to find elements somewhere in the art. Moreover, most, if not all, elements perform their ordained and expected functions. The test is whether the invention as a whole, in light of all the teachings of the references in their entireties, would have been obvious to one of ordinary skill in the art at the time the invention was made. *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983).

It is insufficient that the art disclosed components of Applicants' claimed invention, either separately or used in other combinations. A teaching, suggestion, or incentive must exist to make the combination made by the inventor. *Interconnect Planning Corp. v. Feil*, 774 F.2d 1132, 1143, 227 USPQ 543, 551 (Fed. Cir. 1988).

However, no reason or suggestion in the evidence of record exists why one of ordinary skill in the art would have modified Kobayashi to provide support over the entire part of the persons body adjacent to the chair. The purpose of doing this is to alleviate localized pressure which may cause pressure sores on the person using the chair. Kobayashi is directed to a chair for use in an automobile and actually teaches providing additional support to localized areas of the body, which if sat in too long may actually cause pressure sores if used by immobilized persons who the present invention is intended for use by. Therefore, Kobayashi actually teaches away from the present invention.

Therefore, the Patent Office has not established prima facie obviousness as required under 35 U.S.C. §103(a). The rejection has been overcome. Notice to that effect is requested.

In light of the foregoing response, all the outstanding objections and rejections have been overcome. Applicant respectfully submits that this application should now be in better condition for allowance and respectfully request favorable consideration.

Respectfully submitted,



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Date

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Peter Alan SMITH)
 SERIAL NO: 09/622,249) Group Art Unit: 3635
 FILED: August 15, 2000)
 TITLE: CHAIR INCORPORATING AIR CUSHIONS

THE ASSISTANT COMMISSIONER FOR PATENTS
 Washington, D.C. 20231

MARKED UP VERSION OF CLAIMS

1. A chair of a type having a seat portion and a backrest portion, the chair comprising a seat support structure, a backrest support structure, at least one air-containing cushion positioned on the seat support structure, at least one air-containing cushion secured to the backrest support structure, a layer of compressible material overlaying the cushions, and an upholstery material covering the layer of compressible material; each cushion comprising a bladder which is formed from a pliable, gas impermeable material and each bladder being charged with air in an amount not greater than 60% of the maximum contained volume of the bladder whereby the air may freely be displaced within the bladder, and wherein each bladder underlies entirely that respective part of a person adjacent to the seat and backrest when occupying the chair, as a consequence of which shaping may be imparted to the cushion to complement [that of a person who occupies the chair] the person's shape.
2. The chair as claimed in claim 1 wherein each bladder is charged with air in an amount not greater than 50% of the maximum contained volume of the bladder.
3. The chair as claimed in claim 1 wherein each bladder is charged with air in an amount between 15% and 30% of the maximum contained volume of the bladder.
4. The chair as claimed in claim 1 wherein respective ones of the bladders are charged with air to different levels falling within the range 15% to 60% of the maximum contained volume of the respective bladders.
5. The chair as claimed in any one of claims 1 to 4 wherein each bladder is provided with a valve through which air is admitted to the bladder.

6. The chair as claimed in any one of claims 1 to [5] 4 wherein each bladder has a front wall, a back wall and peripheral side walls whereby the bladder would assume a generally oblong shape if it were charged with air in an amount equal to the maximum contained volume of the bladder.
7. The chair as claimed in any one of claims 1 to [6] 4 wherein the compressible material that overlays the cushions comprises an expanded foam plastics material sheet.
8. The chair as claimed in any one of [the preceding] claims 1 to 4 wherein two of the air-containing cushions are secured to the backrest support structure, one above the other.
9. The chair as claimed in claim 8 wherein an upper one of the backrest support structure cushions overlaps the lower one of the backrest support cushions, and wherein the lower one of the backrest support cushions overlaps the cushion that is positioned on the seat support structure.
10. The chair as claimed in [claim 8 or] claim 9 wherein the upper one of the backrest support cushions extends over and around an upper edge of the backrest portion of the chair.
11. The chair as claimed in any one of [the preceding] claims 1 to 4 wherein an underlay which is formed from an expanded foam sheet material is located below the air-containing cushions.
12. The chair as claimed in claim 11 wherein the underlay is formed from a material that has a higher density than that of the compressible material that overlays the cushions.
13. The chair as claimed in any one of [the preceding] claims 1 to 4 wherein the upholstery material is composed of a semi-permeable or vapour-permeable plastics sheet material.
14. The chair as claimed in any one of [the preceding] claims 1 to 4 wherein the backrest support structure is pivotably mounted with respect to the seat support structure.
15. The chair as claimed in any one of [the preceding] claims 1 to 4 wherein the seat support structure is mounted to a support base which is carried by wheels.
16. The chair as claimed in claim 15 wherein the seat support structure is pivotably mounted with respect to the support base.

17. The chair as claimed in any one of [the preceding] claims 1 to 4 wherein a leg support portion is pivotably mounted with respect to the seat portion and wherein an air-containing cushion is mounted to the leg support portion and is overlayed by both the compressible material and the upholstery material.
18. The chair as claimed in any one of [the preceding] claims 1 to 4 wherein the seat support structure and the backrest support structure are formed as metal frames and wherein the metal frames carry reinforced plastics sheet material which support, either directly or indirectly, the air-containing cushions.
19. The chair as claimed in any one of [the preceding] claims 1 to 4 wherein the cushions are removably secured to the seat and backrest support structures by way of self-securing fastening materials.
20. The chair as claimed in any one of [the preceding] claims 1 to 4 wherein the upholstery material is secured in place by the use of self-securing fastening materials.

[21. The chair substantially as shown in the accompanying drawings and substantially as hereinbefore described with reference thereto.]